



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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September 26, 2012

TECHNICAL STAFF REPORT

Petition Accepted on March 14, 2012

Planning Board Meeting of October 18, 2012 (Advisory Authority Rules)

Zoning Board Hearing to be scheduled

Case No./Petitioner: ZB 1098M – Veli Demirel

Location: Second Election District
South side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane
Tax Map 24, Grid 1, Parcels 62, 63 & Parcel 544, Lot 112; 10105, 10109 & 10113 Frederick Road (the "Property").

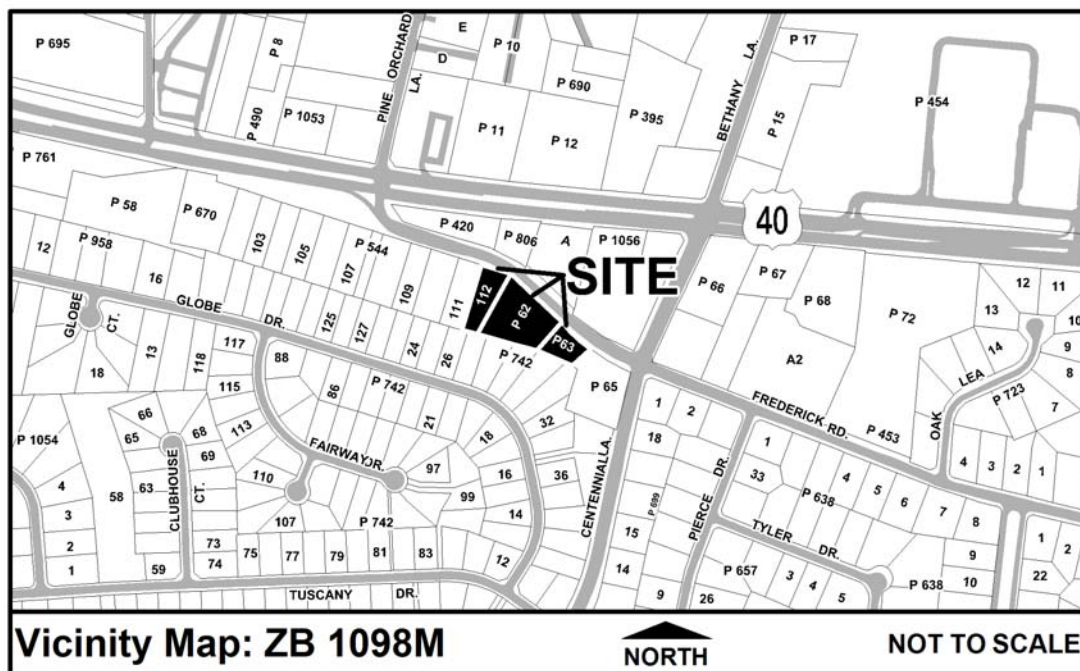
Area of Site: 2.082 acres (the "Property" or "Site")

Current Zoning of Site: R-20 (Residential: Single)

Proposed Zoning of Site: OT (Office Transition)

Department of Planning and Zoning Recommendation:

APPROVAL

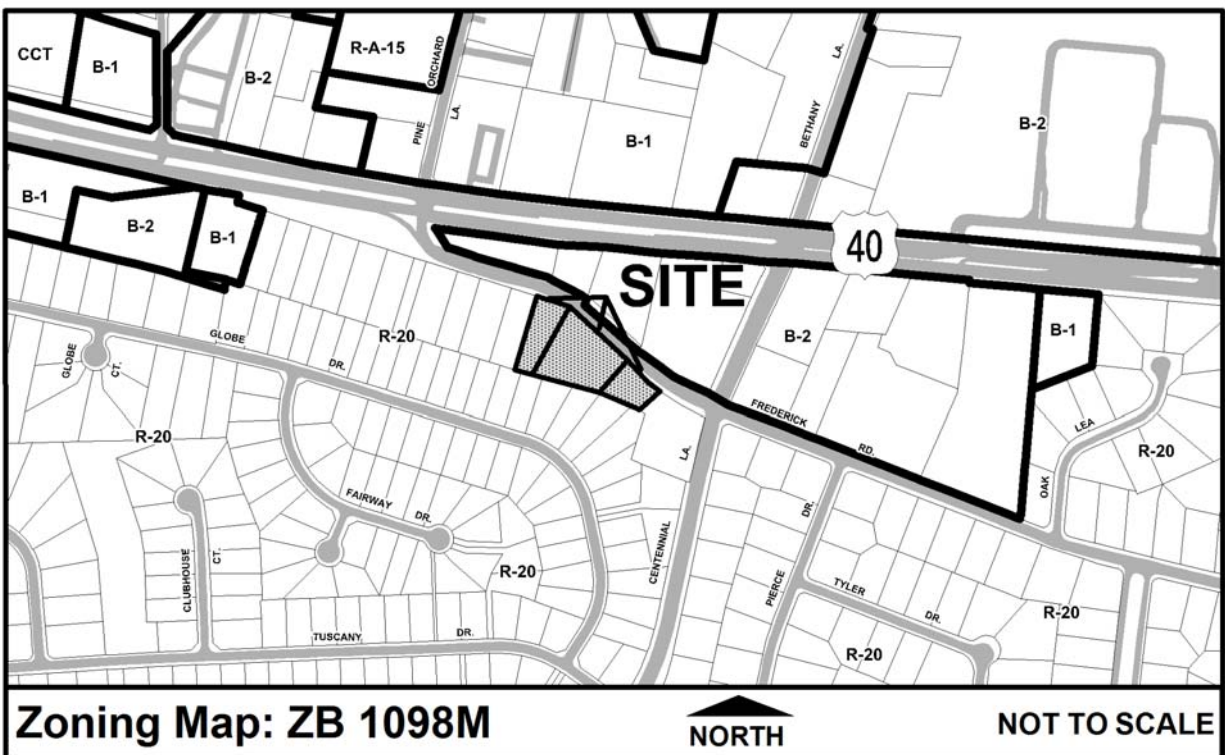


I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes a Zoning Map Amendment to rezone the Property from the current R-20 (Residential: Single) District to the OT (Office Transition) District. The OT District is a floating district which is evaluated based on the District Requirements in Section 117.3. and the Standards for Approval of a Petition in Section 117.3.G. There is no evaluation of mistake or change for such a petition.

According to the petition, the goal of the proposed development of the Property as an OT District is to create a low impact, small-scale office and residential transition use that will serve as a bridge between the commercial uses of Centennial Place and the residences of the Fairways subdivision.

The planned development would create a light office/residential mix that would provide an appropriate transition between the uses on adjacent properties by combining low impact office use with residential apartment use in a unified design.

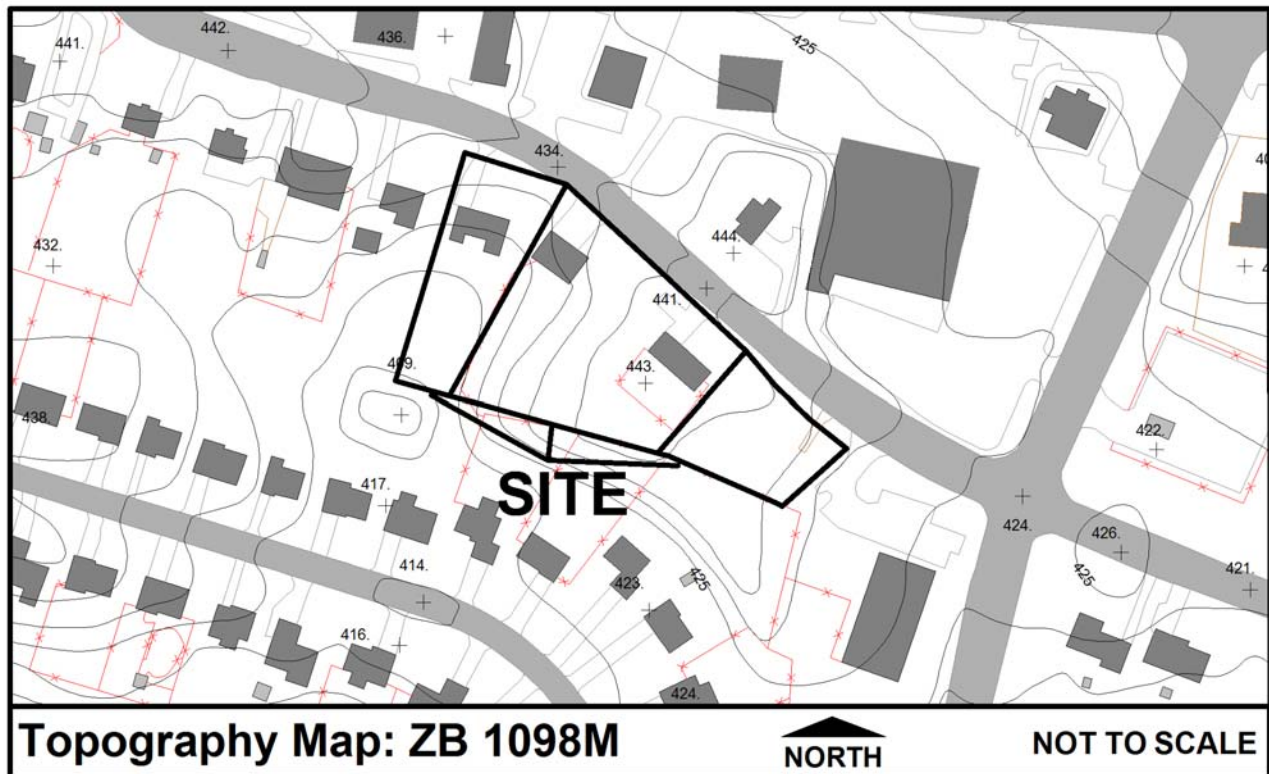


- **This Zoning Map Amendment request is made under the Section 100.G.2. regulations for cases with site plan documentation and includes a proposed Preliminary Development Plan (the “PDP”) entitled “Demirel Property” dated August 21, 2012¹. The PDP includes an Intersection Sight Distance Analysis Plan.**

The Property would be developed as an OT District comprising five, two-story buildings and associated parking, landscaping and, storm water management facilities and other site improvements. The proposed development would be constructed within the area identified as the “Buildable Parcel” on the PDP.

Each two-story building would comprise approximately 4,920 square feet. The first floor of each building would comprise two office units and the second floor would comprise two apartment units. There would be a total of 10 office units and 10 apartment units on the Property.

Buildings 1 and 5 are located at the eastern and western ends of the parking lot approximately 30 feet from Frederick Road. Buildings 2, 3 and 4 are situated between Buildings 1 and 5, to the rear of the parking lot and are set back from Frederick Road at distances which vary from approximately 80 to 100 feet.



¹ An original PDP submission dated December 21, 2011 was reviewed by the Design Advisory Panel (“DAP”) on June 27, 2012. Subsequent to that review, a revised PDP dated August 21, 2012 was submitted which addresses the DAP comments.

- **Access would be via a 30 foot wide driveway from Frederick Road. Parking would be concentrated in the front central area of the site with Buildings 2, 3 and 4 to the rear of the parking area and Buildings 1 and 5 to the east and west sides of the parking area.**

The entrance driveway would be situated approximately 155 feet from the northwest Property corner. The driveway is generally configured as two rows of parking spaces separated by a drive aisle. A total of 57 parking spaces including five handicapped spaces are depicted on the PDP (although the parking tabulation indicates 59 spaces are provided).

The proposed entrance driveway would be approximately aligned with the entrance driveway of the Centennial Place development across Frederick Road.

- **The proposed hours of operation for the offices are 6:00 a.m. until 10:00 p.m. on weekdays and 7:00 a.m. until 6:00 p.m. on weekends.**
- **A plaza area which includes a picnic table and bench is depicted between Buildings 4 and 5. A bike rack will be located between Buildings 3 and 4.**
- **The PDP includes landscape schedules as required by the Howard County Landscape Manual.**

At the Frederick Road frontage, a (heavy) Type E buffer will be provided adjacent to the parking area and a Type B buffer will be provided along the remainder of the frontage. A Type C buffer will be provided along the east, west and south property boundaries which border residentially zoned properties. There are existing evergreen trees along the south boundary adjacent to the Fairways subdivision and the proposed Type C buffer would supplement these existing trees.

- **Four storm water management micro bio-retention areas are proposed to be located predominately toward the rear of the Site. Four shielded light poles are depicted on the PDP.**

The closest distance from a light pole to the Property's south property line is approximately 45 feet.

- **The Property's topography is such that the highest elevation point is in the easternmost portion of the Site. From this point, the elevation drops to the east, west and south. The lots of the adjoining Fairways subdivision are below the elevation of the Property.**

II. ZONING HISTORY

- A. **Case No.: ZB 1077M
Petitioner: Veli Demirel
Request: To rezone the Property from R-20 to OT with site plan documentation for a two, two-story office building development.
Action: Denied, September 13, 2010**
- B. **Case No.: ZB 1022M
Petitioner: Veli Demirel**

Request: To rezone the Property from R-20 to B-1 with site plan documentation for one, two-story commercial building development.
Action: Denied, February 5, 2004

C. Subject Property

- The Property was zoned Residential with the initial 1948 Comprehensive Zoning Plan ("CZP"), and was zoned R (Residential) with the 1954 CPZ.
- The 1961 CZP designated the Property as R-20.
- This R-20 zoning for the Property was retained in the 1977, 1985 and 1993 Comprehensive Zoning Plans.
- The parcel 62 portion of the Property was amendment no. 24.26 in the 2004 CZP, which was a request by the Petitioner to rezone Parcel 62 from R-20 to B-1. The Department of Planning and Zoning recommended that the R-20 zoning be retained, and the County Council voted to retain the R-20 zoning of Parcel 62. The R-20 zoning for the Property was retained in the 2004 Comprehensive Zoning Plan effective April 13, 2004.

D. Adjacent Properties

- The properties to the north across Frederick Road to the west of Centennial Lane were zoned Residential with the initial 1948 CZP, and were established as B-2 with the 1954 CZP.
- This B-2 zoning for these properties was retained in the 1977, 1985, 1993 and 2004 Comprehensive Zoning Plans.
- The abutting property to the east, Parcel 65, was initially zoned Residential, was changed to R with the 1954 CZP, was rezoned to R-20 with the 1961 CZP and has remained R-20 since that time.

III. BACKGROUND INFORMATION

A. Site Description

- The irregularly shaped Property comprises three parcels fronting approximately 540 feet on Frederick Road. The Property is about 100 feet deep along the east side and 260 feet along the west side.

Parcel 62 is the site of two residential structures and Parcel 63 is unimproved. Parcel 544, Lot 112, is improved with a single family detached dwelling. All structures would be removed for the proposed development.

B. Vicinal Properties

- Parcels to the east, west and south are zoned R-20. Parcel 65, the adjoining parcel to the east is improved with the La Petite Day Care Center, approved for a child day care center with Board of Appeals case 86-014E on October 29, 1986.
- Across Frederick Road to the north, properties are zoned B-2. From the eastern intersection with Centennial Lane to west these parcels are: Parcel 1056, a

pharmacy building; Parcel 61, Par. A, Centennial Place, a bank and a retail building; Parcel 806, a High's Dairy Store; and Parcel 420, a gasoline service station.

C. Roads

- Frederick Road has two travel lanes in the vicinity of the Property within an 80 foot wide right-of-way. The posted speed limit for this section of Frederick Road is 35 miles per hour.
- Visibility from the proposed driveway entrance appears to be acceptable, with estimated sight distance of more than 500 feet to the east and west. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.
- According to data from the Department of Public Works, the traffic volume on Frederick Road east of Gray Rock Drive was 11,506 ADT (average daily trips) as of June, 2006.

D. Water and Sewer Service

- The subject Property is within the Metropolitan District and is within the Existing and Under Construction Service Area of the Howard County Water and Sewerage Master Plan.

The Property is currently served by public water and sewer facilities.

E. PlanHOWARD 2030 (General Plan)

- The Property is designated Growth and Revitalization Area on the Designated Place Types Map of PlanHOWARD 2030.
- Frederick Road is depicted as a Minor Arterial on the Functional Road Classification Map of PlanHOWARD 2030.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. Division of Land Development
2. Design Advisory Panel

The following agencies had no objections to the proposal:

1. Department of Inspections, Licenses and Permits
2. Department of Fire and Rescue Services
3. Bureau of Environmental Health

G. Adequate Public Facilities Ordinance

- The petition would be subject to the Adequate Public Facilities Ordinance for the required site development plan.

IV. EVALUATIONS AND CONCLUSIONS

A. Evaluation of petition according to Section 117.3.B. of the Zoning Regulations (Requirements For OT District:

The OT district may be established at a particular location if:

1. The site has frontage on and direct access to an arterial road. The Site has frontage on and direct access to Frederick Road, a Minor Arterial. The petition complies with this Section.
2. The site abuts or is directly across a public street from a nonresidential zoning district that is zoned for commercial or employment uses, but not another OT district. The Site is directly across Frederick Road from a non-residential zoning district that is zoned and used for commercial/retail uses. The petition complies with this Section.

B. Evaluation of petition according to Section 117.3.G. of the Zoning Regulations (Standards for Approval of a Petition:

1. The proposed development comprising five, two-story buildings each containing mixed office and residential uses would accomplish the purposes of the OT District by providing a transition along the edges of residential areas effected by nearby retail/employment areas as well as providing a transitional buffer between commercial, institutional and residential uses.

The Property is situated between currently existing residential and institutional uses along the Frederick Road frontage as well as a mix of residential and commercial uses to the front and rear of the Site. The proposed buildings would be of appropriate height and scale for compatibility with adjacent residential buildings. The buildings would incorporate residential design elements such as stone façades and residentially-scaled windows which together with the proposed mix of uses will serve as an effective transitional land use to the surrounding residential uses. The proposed buildings will face commercial uses across Frederick Road, and will be oriented rear-to-rear to the properties to the south. The proposed development scenario would be consistent with the policies of the Route 40 Enhancement Study which recommends facing similar land uses toward each other on opposite sides of a road.

The Property's location on a Minor Arterial and the proposed low-impact office and apartment development will provide the appropriate transitional buffer for which the OT district was created. Its location between adjacent residential uses to the south and west, nearby commercial uses, and the institutional use to the east positions it as a good candidate for rezoning to OT.

2. The petition meets the requirements of Section 117.3.B. as evaluated in Section IV.A. of this Technical Staff Report.
3. The petition includes a Sight Distance Analysis Plan. According to the petition, adequate sight distance and safe access to the Property are provided at the proposed driveway entrance. Precise sight distance measurements and access issues will be more accurately evaluated at the site development plan stage.
4. The PDP includes a landscape plan which indicates the proposed development complies with the requirements of the Landscape Manual. The landscape plan will be reviewed in greater detail at the Site Development Plan stage.

5. The driveway and parking area are oriented toward Frederick Road and as far from neighboring residential land uses to the rear as possible. Screening of the parking lot will be provided in accordance with the requirements of the Landscape Manual.
6. The impervious area of the Site is 41 percent, so the petition meets the criterion of this section that no more than 50 percent of the Site may be covered by impervious surfaces.
7. In accordance with this section the proposed buildings are less than 5,000 square feet in size. The scale and architectural elements of the buildings provide compatibility with the character of neighboring residential structures many of which consist of two-story single family dwellings ranging in size from 2,000 to 3,900 square feet. Many vicinal residences comprise stone or brick exteriors and architectural details similar to the styles depicted in the architectural elevation drawings.
8. Lighting will not exceed 14 feet in height and will be shielded and directed down and away from adjoining residential properties and would not adversely impact the adjoining residential neighborhood. The proposed hours and days of operation for the offices seem appropriate for the proposed scale of use.

C. Additional information

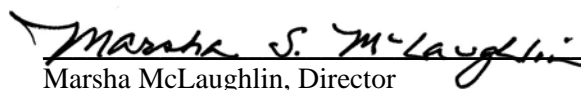
Section 117.3.E.1.a requires that the gross area of an OT District within the planned service area for public water and sewer shall not exceed two acres. The Site proposed to be rezoned is 2.082 acres. The PDP indicates a "Buildable Parcel" as comprising 2.0 acres and a "Non Buildable Parcel" comprising 0.08 acre. As noted in the Division of Land Development comments, although the overage is a very small amount the Petitioner should derive a means for this overage to be excluded from the OT District rezoning.

The PDP Parking Tabulation indicates that 65 parking spaces are required and 59 spaces are provided (although as previously noted in this Technical Staff Report, 57 spaces are depicted) in accordance with the shared parking adjustment provision of Section 133.E.1.a. Based on a requirement of 3.3 spaces per 1,000 square feet of office space and 2.3 spaces per apartment unit, a total of 64 spaces are required. Given the non-conflicting nature and hours of operation of the proposed uses, it appears the provided number of parking spaces would adequately serve the Site; however, the Petitioner shall submit the supporting shared parking adjustment table required by this section at the Site Development Plan stage.

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the request to rezone the Property from R-20 to OT be **APPROVED**.

 10/3/12
Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM/ZLK/zlk